

and be mimeographed and not otherwise printed.

MOFFETT, Chairman.

Senator Carney submitted the following reports:

Austin, Texas.

February 24, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 267, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas.

February 24, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 244, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

#### Motion to Take Up Senate Bill 191

Senator Kelley of Hidalgo asked unanimous consent to take up Senate Bill 191 for consideration at this time.

The President announced that there was objection.

#### Adjournment

On motion of Senator Vick, the Senate, at 12:00 o'clock m., adjourned until 10:30 o'clock a. m., tomorrow.

### TWENTY-FOURTH DAY

(Tuesday, February 25, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hardeman
Brown	Harris
Bullock	Hazlewood
Carney	Jones
Chadick	Kelley of Hidalgo
Cousins	Kelly of Tarrant
Crawford	Knight

Lane  
Moffett  
Morris  
Parrish  
Phillips  
Proffer  
Ramsey

Stanford  
Strauss  
Tynan  
Vick  
Winfield  
York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of proceedings of yesterday was dispensed with and the Journal approved.

#### Leaves of Absence Granted

Senator Taylor was granted leave of absence for today on account of important business on motion of Senator Chadick.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Stewart was granted leave of absence for today on account of illness on motion of Senator Phillips.

#### Reports of Standing Committees

Senator Carney submitted the following report:

Austin, Texas,

February 25, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 259, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,

February 25, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Finance, to whom was referred Senate Bill No. 242, instructs me to report it back to the Senate with the recommendation that it do pass and be mimeographed.

AIKIN, Vice-Chairman.

Austin, Texas,  
February 25, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Finance, to whom was referred House Bill No. 365, instructs me to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Vice-Chairman.

Austin, Texas,  
February 25, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Finance, to whom was referred Senate Bill No. 250, instructs me to report it back to the Senate with the recommendation that it do pass and be mimeographed.

AIKIN, Vice-Chairman.

Senator Vick submitted the following report:

Austin, Texas,  
February 25, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred Senate Bill No. 49, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to committees indicated:

By Senator Vick:

S. B. No. 270, A bill to be entitled "An Act creating a more efficient road system for Limestone County, Texas, for the maintenance of public roads and highways other than designated State highways located in Limestone County, Texas; conferring upon the Commissioners' Court of said county full power, authority and supervision of all public roads therein, other than designated State highways; prescribing the powers, rights and duties of the Commissioners' Court of Limestone County, Texas, over such public roads; providing that the members of the Commissioners' Court shall be ex-officio road commissioners for their respective precincts; providing for the appointment of a county engineer; prescribing his duties,

powers, qualifications, term of office and salary; providing for the creation of a general road and bridge fund for such county; providing for the appropriation and expenditure of the moneys coming into such road and bridge fund; providing that it shall be unlawful to create obligations or issue warrants against such fund unless there are cash balances available to pay such obligation or warrant, and prescribing the penalty for violation; authorizing the Commissioners' Court to cooperate with the State Highway Commission and other officers of the State and Federal government in the construction of local and farm to market roads; providing it shall be unlawful to injure, deface or destroy shade trees or signs, or deposit trash or debris on the public roads of Limestone County, Texas, and prescribing the penalty for violation thereof; providing that the courts shall take cognizance of this Act as a public act, making the Act cumulative of the General Laws; providing that the provisions of this Act shall be effective in case of conflict with the General Laws; providing that if any portion of this Act shall be held unconstitutional, such holding shall not affect the other portions thereof; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Stanford:

S. B. No. 271, A bill to be entitled "An Act to provide for the planning, designation, establishment, use, regulation, alteration, improvement, maintenance, and vacation of controlled access facilities; the acquisition of lands required therefor; the restriction of intersections and control of approaches, the establishment of local service roads; the prohibition of certain acts thereon and provision for penalties therefor; providing a savings clause and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Parrish:

S. B. No. 272, A bill to be entitled "An Act to amend Article 3902, Revised Civil Statutes of Texas, 1925, as amended, allowing additional compensation for deputies, clerks, and

assistants of public officials in counties of this state having a population of not less than 51,782 inhabitants and not more than 52,500 inhabitants according to the last preceding Federal Census, and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Strauss:

S. B. No. 273, A bill to be entitled "An Act to amend Chapter 5, Penal Code of the State of Texas, by adding a new Article to be designated as Article 613a, and making Article 613 of the Penal Code inapplicable under certain conditions; providing a saving clause and declaring an emergency."

To Committee on Agriculture.

By Senator York:

S. B. No. 274, A bill to be entitled "An Act to amend Section 2, House Bill No. 903, Acts of the Regular Session of the Forty-sixth Legislature, so as to make it possible for dishes, receptacles or utensils to be sterilized with a chlorine solution; and declaring an emergency."

To Committee on Public Health.

By Senator York:

S. B. No. 275, A bill to be entitled "An Act to authorize divorce proceedings by the guardian or next friend of an insane person, and the granting of divorces to insane persons; and declaring an emergency."

To Committee on Civil Jurisprudence.

#### Motion to Take Up Senate Bill 18

Senator Vick asked unanimous consent to take up Senate Bill No. 18 for consideration at this time.

The President announced that there was objection.

#### Senate Bill 147 on Second Reading

Senator Aikin moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 147 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin

Brown

Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York
Lane	

Absent—Excused

Mauritz	Taylor
Stewart	Weinert

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 147, A bill to be entitled "An Act authorizing the State Board of Control to negotiate for and to acquire by gift, purchase, or leasehold, from the United States Government, or any agency thereof, or from any source whatsoever, for and on behalf of the State of Texas, for use in the eleemosynary service, in the establishment of State tuberculosis sanatoriums, and in the establishment of a State hospital and school for spastics, any lands, buildings, and facilities within the State of Texas, and any personal properties wherever located, and to take title thereto for and in the name of the State of Texas, providing for the cost of negotiation, acquisition, establishment, reconversion, maintenance, repairs, improvements, and operation of said tuberculosis sanatoriums and hospital and school for spastics; providing for the employment of personnel and the payment of traveling expenses; providing an appropriation therefor, and declaring an emergency."

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend S. B. 147 by striking out the words "and school for spastics" wherever they appear.

The amendment was adopted.

On motion of Senator Aikin, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to engrossment.

#### Senate Bill 147 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Stewart
Taylor	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 25, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolution:

H. C. R. No. 36, Expressing appreciation to Texas School Teachers for their unswerving devotion to duty.

H. B. No. 64, A bill to be entitled "An Act to amend Subsection 25 of Article 1995, Revised Civil Statutes; and declaring an emergency."

H. B. No. 128, A bill to be entitled "An Act providing that wild fox may be taken or killed at any time in Henderson County, Texas; providing that the hides and pelts thereof may be sold; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 154, A bill to be entitled "An Act amending the provisions of Article 1995, Section 9 of the Revised Civil Statutes of Texas, 1925; repealing all laws or parts of laws in conflict with such Section of said Article as hereby amended; and declaring an emergency."

H. B. No. 189, A bill to be entitled "An Act to prohibit the killing of squirrels in Hill County during the months of January, February, March, July, August, and September; providing that during the other months of the year no one shall kill more than six squirrels in any one day; prescribing a penalty for violation, and declaring an emergency."

H. B. No. 200, A bill to be entitled "An Act making it unlawful to catch fish with traps, seines, and nets in the waters of the Angelina and Neches Rivers in Cherokee County; providing a penalty for violation; and declaring an emergency."

H. B. No. 284, A bill to be entitled "An Act to amend Section 1, Subsection n, Chapter 88, Second Called Session, Acts of the 41st Legislature, 1929, as amended by Section 1, Chapter 23, Acts 1930, 41st Legislature, 5th Called Session, to define Motor Bus; providing a saving clause; and repealing all laws in conflict herewith."

H. B. No. 224, Making it unlawful to take or kill wild deer in the County of Anderson, for a period of five (5) years; etc.

H. B. No. 260, Granting permission to A. M. King to bring suit against the State of Texas and/or Highway Department, in a Court of competent jurisdiction, in Runnels

County, Texas, for damages to his property alleged to have been caused by the Highway Department of the State of Texas; etc.

H. B. No. 261, Granting permission to Mrs. H. T. Russell, a widow, to bring suit against the State of Texas and/or Highway Department, in a Court of competent jurisdiction, in Runnels County, Texas, for damages to her property alleged to have been caused by the Highway Department of the State of Texas; etc.

H. B. No. 360, Providing for a closed season in the waters of Copano Bay, Mission Bay and connecting waters west of State Highway No. 35 in Aransas County, Refugio County and San Patricio County; etc.

H. B. No. 340, Making it unlawful to take or kill certain animals in Harrison County by steel trap, snare or deadfall, with certain exceptions; etc.

(Senator Winfield in the chair.)

#### Senate Bill 157 on Second Reading

Senator Chadick moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 157 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

#### Absent

Brown

#### Absent—Excused

Mauritz	Taylor
Stewart	Weinert

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 157, A bill to be entitled "An Act providing for the execution

of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; providing for representation on the Interstate Oil Compact Commission; prescribing procedure for withdrawal from the Compact; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 157 on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 157 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

#### Absent—Excused

Mauritz	Taylor
Stewart	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

## Senate Bill 191 on Second Reading

Senator Kelley of Hidalgo moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 191 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 191, A bill to be entitled "An Act amending Subsection (b) of Sec. 13, Article 3912e, Revised Civil Statutes of 1925, as enacted by Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature; and amending Subsection (a) of Sec. 15 of Article 3912e, Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature, making eligible all counties entitled to receive apportionment under the Officer's Salary Law; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 191 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 191 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

## Senate Bill 159 on Second Reading

Senator Bullock moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 159 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Crawford
Brown	Hardeman
Bullock	Harris
Carney	Hazlewood
Chadick	Jones
Cousins	Kelley of Hidalgo

Kelly of Tarrant	Ramsey
Knight	Stanford
Lane	Strauss
Moffett	Tynan
Morris	Vick
Parrish	Winfield
Phillips	York
Proffer	

**Absent—Excused**

Mauritz	Taylor
Stewart	Weinert

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 159, A bill to be entitled "An Act providing for the combining of reports by school districts, their officers, agents or employees to the State Superintendent or Department of Education so as to avoid a multiplicity thereof; providing that the State Auditor shall prescribe or approve such forms; providing what information shall be called for in such forms; providing that this Act shall take precedence over other laws in conflict herewith; providing that this Act shall take effect and be in force on and after September 1, 1947; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 159 on Third Reading**

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 159 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27**

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

**Absent—Excused**

Mauritz	Taylor
Stewart	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—27**

Aikin	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Brown	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

**Absent—Excused**

Mauritz	Taylor
Stewart	Weinert

(President in the Chair.)

**Motion to Take Up Senate Bill 199**

Senator Proffer asked unanimous consent to take up Senate Bill No. 199 for consideration at this time.

The President announced that there was objection.

**Senate Bill 165 on Second Reading**

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 165, A bill to be entitled "An Act fixing the open season for taking squirrels in the Counties of San Augustine, Sabine, Jasper, Newton and Tyler except during the period from November 10 to December 31; providing for a bag limit; providing a penalty; repealing all conflicting laws, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 165 on Third Reading**

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

## Senate Bill 166 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 166, A bill to be entitled "An Act providing for an open season for hunting buck deer in the Counties of San Augustine, Sabine, Jasper, Newton and Tyler; providing that said deer may be hunted with dogs; providing a penalty for the violation of said Act; repealing all

laws in conflict with this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 166 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 166 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

## Absent—Excused

Mauritz	Taylor
Stewart	Weinert

**Senate Bill 18 on Second Reading**

Senator Vick moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 18 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Knight
Brown	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield

**Nays—1**

York

**Absent—Excused**

Mauritz	Taylor
Stewart	Weinert

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 18, A bill to be entitled "An Act creating a Firemen's and Policemen's Civil Service in cities having a population of ten thousand inhabitants or more; defining certain terms used in said act; etc. and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendment to the bill:

Amend Senate Bill No. 18, page 5 of the printed bill, lines 14 to 28 inclusive, Section 15, by striking out all of said Section 15 and inserting in lieu thereof the following:

"Sec. 15. Civil Service Rights of Department Head. When the services of the chief or head of the Fire Department or Police Department are terminated as such and he is removed or resigns as said Department Head, he shall be reinstated in the Department and placed in a position no lower than that occupied by him at the time of his appointment as such chief or head of the Fire Department or Police Department, and he shall re-

tain his rights of seniority in the department; provided, that should such department head be charged with an offense in violation of Civil Service rules, and be dismissed from the public service, or be discharged from his position, he shall have the same rights and privileges of a hearing before the Commission, and in the same manner and under the same condition as may classified employees, and if the Commission should find such charges to be untrue, or unfounded, said employee shall thereupon immediately be restored to the department and to the position in said department he occupied at the time of his appointment as head of said department, and said employee shall enjoy all the rights and privileges thereunto accorded to seniority, and shall be paid his full salary from the time of said suspension; and shall be entitled to an appeal from the order of said Commission as is provided for in Section 18 hereof."

The amendment was adopted.

Senator Cousins offered the following amendment to the bill:

Amend Senate Bill No. 18 by adding a new section between Sections 26 and 27 to be designated 26a, reading as follows:

Section 26a: The provisions of this Act shall not apply until there has been filed with the Governing Body of the City a petition signed by qualified voters in said City, a number not less than 10% of the total member voting in the last preceding city election. In the event such petition is filed with the Governing Body more than one year prior to the next general municipal election then a special election shall be called in accordance with the state laws or the City Charter at a date not later than 90 days from the date of filing such petition; if said petition is filed less than one year prior to the date of a general municipal election then the adoption or rejection of this Act shall be submitted at such general municipal election; if at said election a majority of the people voting shall favor the adoption of the Fireman's and Policeman's Civil Service it shall thereafter become the duty of said Legislative Body to put into effect the provisions of this Act within a reasonable time. In the event a majority of the voters in any such election reject the adoption of this

Act then such proposition shall not be resubmitted to the electors for a period of two years.

Senator Vick moved to table the amendment.

The motion was lost.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

**Yeas—14**

Aikin	Knight
Brown	Lane
Chadick	Moffett
Cousins	Parrish
Crawford	Strauss
Jones	Winfield
Kelly of Tarrant	York

**Nays—12**

Bullock	Morris
Carney	Phillips
Hardeman	Proffer
Harris	Stanford
Hazlewood	Tynan
Kelley of Hidalgo	Vick

**Absent**

Ramsey

**Absent—Excused**

Stewart	Taylor
Mauritz	Weinert

Senator Harris offered the following amendment to the bill:

Amend Senate Bill No. 18 by striking out the first paragraph of Section 2 and adding in place thereof the following:

"Section 2. Firemen's and Police-men's Civil Service Commission. There is hereby established in all such cities a Firemen's and Policemen's Civil Service Commission, which shall consist of six (6) members to be selected as follows: Members of the Commission shall be appointed by the chief executive of any such city, and such appointment shall be confirmed by the City Council or legislative body of any such city before such appointments shall be effective. One of the members of said Commission shall be an active fireman and shall during the term of his office be regularly employed as a paid member of the Fire Department of said city, and one member shall be an active member of the Police Department and during

his term of office shall be regularly employed on the Police Force or in the Police Department of said city. The other four (4) members of the Commission shall be taxpayers and citizens of the municipality. Of the first six (6) Commissioners so selected under the provisions of this Act to comprise the Commission, two (2) shall be appointed for a term of one (1) year; two (2) shall be appointed for a term of two (2) years; and two (2) shall be appointed for a term of three (3) years. Thereafter the term of office for a Commissioner shall be for a term of three (3) years or until a successor is appointed, confirmed and qualified. Any vacancies in said Commission, caused by death, resignation, or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment, shall be filled in the manner hereinabove specified, and such appointment shall be for the unexpired term of the retiring Commissioner or the appointee failing to qualify."

The amendment was adopted.

Senator Harris offered the following amendment to the bill:

Amend S. B. 18, Sec. 2, line 56, page 1, by striking out the word "three" and inserting in lieu thereof the word "five."

The amendment was adopted.

Senator Harris offered the following amendment to the bill:

Amend S. B. 18, Sec. 26, page 8, line 4, by striking out the word "fifteen (15)", and insert in lieu thereof the words and figures "ninety (90)".

The amendment was adopted.

(Senator Aikin in the chair.)

Senator Harris offered the following amendment to the bill:

Amend S. B. 18, Sec. 14, page 5, line 1, by striking out all of remainder of the paragraph after the word "than" and inserting the following: "two (2) years service as a Lieutenant before promoted to a Captain and two (2) years service as a Captain before being promoted to a Battalion Chief or Chief of a Police Dept."

The amendment was adopted.

Senator Harris offered the following amendment to the bill:

Amend S. B. 18, Sec. 12, page 4, line 12, by striking out the word and figure "six (6)" and insert in lieu there-

of the word and figure "twelve (12)".  
The amendment was adopted.

Senator Harris offered the following amendment to the bill:

Amend S. B. No. 18, Sec. 14, page 4, line 62 by striking out the word and figure "two (2)" and insert in lieu thereof the word and figure "five (5)."

The amendment was adopted.

Senator Harris offered the following amendment to the bill:

Amend S. B. No. 18, Sec. 5, page 2, line 51 by adding after the word "uniform" the following: "or whose conduct was prejudicial to good order; refusal or neglect to pay just debts; absence without leave; shirking duty or cowardice at fires; violation of any of the rules and regulations of the Fire Department or Police Department, or of special orders, as applicable."

The amendment was adopted.

(President in the Chair.)

Senator Harris offered the following amendment to the bill:

Amend S. B. No. 18, Sec. 5, page 2, line 31, by striking out the word "two" and inserting in lieu thereof the word "three."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 18 by Vick by striking out the following words and phrases on page two (2) thereof, as follows:

By striking out the words "wilful and serious" at the end of line 44, page 2, by striking out the words "insubordination" and "repeated and serious" in line 45, page 2 thereof, by striking out the words "and wilful" and the words "repeated and wilful" in line 46, page 2 thereof, by striking out all of line 49, page 2 thereof, and by striking out the word "habitual" and the words "in uniform" from line 51, page 2 thereof.

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 18 by Vick striking out the words and figures "thirty (30)" in line 46, page 4, in Section 13 thereof, and by inserting in lieu thereof the following, to-wit: "forty (40)."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 18 by Vick by striking out the words and figures in line 9 on page 5, Section 14 thereof, to-wit: "ten (10)," and inserting in lieu thereof the following words and figures: "five (5)."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 18 by Vick by striking out the word "specific" in line 58, page 5, Section 16 thereof.

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

### Senate Resolution 39

(Extending Privileges of Floor)

Senator Moffett offered the following resolution:

Whereas, A special Highway Investigating Committee from the House of Representatives of the State of Oklahoma, our fine neighbor to the North, is present in Austin today, and is now in the Capitol building; and

Whereas, The members of this distinguished committee are Representatives D. L. Jones, J. H. Arrington, Dwight Tolle and Wilson Wallace; and

Whereas, The Senate of Texas wishes to show its pleasure at their presence here; now, therefore, be it

Resolved, By the Senate of the 50th Legislature of Texas, that the privileges of the floor be granted to these welcome visitors and that the members of such committee be invited to address this body.

MOFFETT  
JONES.

The resolution was read and was adopted.

In accordance with the provisions of the above resolution, the President announced the appointment of Senators Moffett, Aikin and Hazlewood as a committee to escort the visitors to the President's rostrum.

The President presented Senator Moffett who introduced the members of the committee to the Senate.

Mr. Wilson Wallace then addressed the Senate briefly and, for the committee, thanked the members of the

Senate for the courtesy extended them.

#### Executive Session

On motion of Senator Brown, and by unanimous consent, the Senate, at 11:16 o'clock a. m., went into executive session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following nominations of the Governor had been confirmed by the Senate:

To be a member of the State Board of Education for a six year term to expire January 1, 1953:

Phil M. Stevenson of Houston, Harris County.

To be State Auditor of the State of Texas for the two year period expiring February 15, 1949:

C. H. Cavness.

#### In Legislative Session

At 12:35 o'clock p. m., the President called the Senate to order as in Legislative session.

#### Adjournment

On motion of Senator Vick, the Senate, at 12:45 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

#### TWENTY-FIFTH DAY

(Wednesday, February 26, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Phillips, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

#### Leaves of Absence Granted

Senator Stewart was granted leave of absence for today on account of illness on motion of Senator Cousins.

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Ramsey.

Senator Stanford was granted leave of absence for today on account of important business on motion of Senator Harris.

#### Reports of Standing Committees

Senator Carney submitted the following reports:

Austin, Texas,

February 25, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 258, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,

February 26, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill No. 32, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

CARNEY, Chairman.

Austin, Texas,

February 26, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred House Bill No. 37, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be not printed.

CARNEY, Chairman.